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U.S. COURTS
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Attorneys for Creditor Margaret Mead Trust

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO

In Re:)	Case No. 96-03050 ACH
)	Chapter 11
SAWTOOTH ENTERPRISES, INC.,)	
dba The Buckin' Bagel,)	OBJECTION TO DEBTOR'S MOTION FOR
)	ORDER APPROVING SALE OF PROPERTY
Debtor.)	FREE AND CLEAR OF LIENS
_____)	

The Creditor, Margaret Mead Trust, Lessor of the property commonly referred to as the Fairview Store by Debtor (hereinafter "Lessor"), hereby objects to the Motion for Entry of Order Approving Sale of Property Free and Clear of Liens submitted by Debtor on January 6, 1997, for the reasons set forth below.

Debtor's motion improperly calculates the post-petition rent due Lessor as an allowed administrative expense of the estate. Debtor fails to include the rent accrued during the four days in November following Debtor's filing of bankruptcy.

Lessor also objects to the sale of certain assets from the Fairview location. Pursuant to the terms of the Lease, any improvements, alterations, or additions in or

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about the premises are part of the retail building and shall remain therein. The tenant is permitted to remove any "trade fixtures, equipment and other personal property which are installed on the premises by the tenant and are not affixed to the walls, ceilings, floors or other part thereof." In reviewing the list of assets to be removed from the Fairview location, Lessor objects to removal of the front counter buildout; shelf display unit seven compartment; long single shelf; stainless steel sink one well; stainless steel sink three well; pictures bolted to walls; ceiling fans; and track lighting.

In addition, Lessor submits that certain assets, while not attached to the premises, cannot be removed without partial destruction of the premises, and Lessor would request the Court compel Debtor to provide some guaranty that Lessor will not suffer additional damages as a result of asset removal.

WHEREFORE, Lessor respectfully requests Debtor's Motion to Reject Property be modified to reflect the appropriate post-petition default due Lessor and that Debtor's request to remove assets be denied or, in the alternative, that Debtor be required to provide adequate security to cure any damages caused by Debtor's removal of assets.

RESPECTFULLY SUBMITTED this 10th day of January, 1997.

EBERLE, BERLIN, KADING, TURNBOW
& McKLVEEN, CHARTERED

By 
Derrick J. O'Neill

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on the 10th day of January, 1997, a true and correct copy of the foregoing document was served upon the following by the method and at the addresses indicated, which are the last addresses of said parties known to me:

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